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8 FEDERICK BATES,  
9 Plaintiff,  
10 v.  
11 CITY OF SAN JOSE et al.,  
12 Defendants.

13 Case No. C-06-05302-RMW  
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**ORDER DENYING MOTION FOR  
RELIEF FROM JUDGMENT**

[Re Docket No. 43]

Frederick Bates moves for this court to vacate its previous judgment because, he argues, it is void and based upon fraud on the court. Pl.'s Br., Dkt. No. 43; *see* Fed. R. Civ. Proc. 60(b)(4), (d)(3). The court held a hearing on the matter on April 26, 2013. Bates did not appear. Having considered the papers, the court DENIES Bates' motion. His motion is untimely and he has failed to present adequate evidence supporting either of his theories for relief.

Dated: April 26, 2013

  
RONALD M. WHYTE  
United States District Judge